

ORDINANCE NO. 09-89

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW TWO WALL SIGNS AND TWO MONUMENT SIGNS, WHERE ONLY ONE OF EITHER A WALL OR MONUMENT SIGN IS ALLOWED, TO ALLOW EACH OF THE MONUMENT SIGNS, TO BE INCORPORATED INTO THE MASONRY FENCE: NO FRONT SETBACK, WHERE 10 FEET ARE REQUIRED, A HEIGHT OF 6.5 FEET, WHERE A MAXIMUM OF 3 FEET IS ALLOWED, AND AN AREA OF 21 SQUARE FEET, WHERE A MAXIMUM OF 8 SQUARE FEET PER SIDE IS ALLOWED, CONTRA TO HIALEAH CODE §§ 74-211(a), (b), AND 74-128(1)e. **PROPERTY LOCATED AT 215 WEST 49 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of September 23, 2009 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow two wall signs and two monument signs, where only one of either a wall or a monument sign is allowed, to allow each of the monument signs, to be incorporated into the masonry fence, no front setback, where 10 feet are required, a height of 6.5 feet, where a maximum of 3 feet is allowed, and an area of 21 square feet, where a maximum of 8 square feet per side is allowed, contra to Hialeah Code §§ 74-211(a), (b), and 74-

128(1)e. which provide in pertinent part: “A painted or wall sign shall be permitted in the RO residential-office zoning district”, “Alternatively, a monument sign shall be permitted if the sign does not exceed eight square feet in area, or 16 square feet in area if two-sided, and does not exceed three feet in height as measured from ground level to the top of the sign.”, and “The minimum setback shall be ten feet from the right-of-way line”. Property located at 215 West 49 Street, Hialeah, Miami-Dade County, Florida, zoned (RO Residential Office District), and legally described as follows:

THE EAST 100 FEET OF TRACT 15A, LESS THE NORTH 135 FEET AND LESS THE SOUTH 7 FEET FOR RIGHT-OF-WAY, OF REVISED PLAT OF U-LE-LAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, AT PAGE 43, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

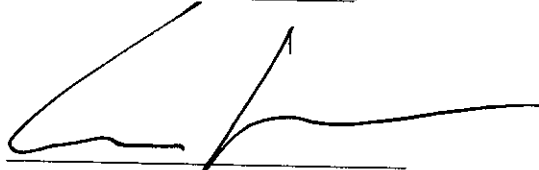
Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.


This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 27th day of October, 2009



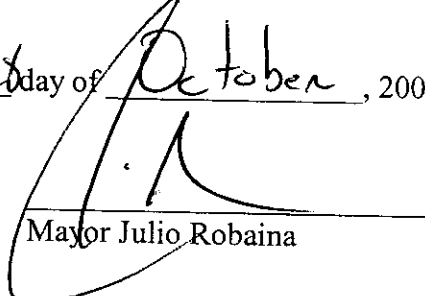
Carlos Hernandez
Council President

Attest:



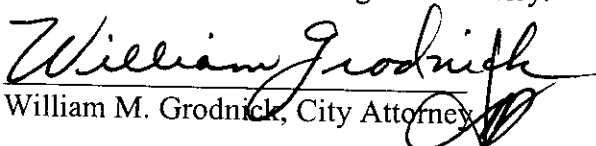
Rafael E. Granado, City Clerk

Approved on this 28th day of October, 2009.



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

Ordinance was adopted by a 5-1-1 vote with Councilmembers, Caragol, Casals-Muñoz, Garcia-Martinez, Hernandez, Yedra voting "Yes", Councilmember Cue absent and Councilmember Luis Gonzalez abstained.